

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: GOOGLE DIGITAL  
ADVERTISING ANTITRUST  
LITIGATION

*This Document Relates To:*

*Union City Daily Messenger, Inc. v.*  
*Google, LLC, et al.*  
1:22-cv-01704-PKC

Civil Action No. 21-md-3010 (PKC)

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT  
PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL  
PROCEDURE 41(a)(1)**

PLEASE TAKE NOTICE that Union City Daily Messenger, Inc., pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), hereby voluntarily dismisses *without prejudice* all claims asserted in this civil action by Plaintiff Union City Daily Messenger, Inc. against Defendants Google LLC and Meta Platforms, Inc. f/k/a Facebook, Inc. This voluntary dismissal does not alter or affect the pendency of the claims of any other Plaintiff in the Consolidated Amended Complaint or this litigation.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

**(a) Voluntary Dismissal.**

**(1) *By the Plaintiff.***

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.

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Here, Defendants have neither answered Plaintiff's Consolidated Amended Complaint, nor filed a motion for summary judgment. Accordingly, this matter may be dismissed without prejudice and without an Order of the Court.

**DATED:** December 15, 2023

Respectfully Submitted,

**Union City Daily Messenger, Inc., *Plaintiff,***

/s/ Clayton J. Fitzsimmons

Robert P. Fitzsimmons (*Admitted Pro Hac Vice*)

Clayton J. Fitzsimmons (*Admitted Pro Hac Vice*)

Mark A. Colantonio (*Admitted Pro Hac Vice*)

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*Counsel for Union City Daily Messenger, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing *Plaintiff's Notice of Voluntary Dismissal Without Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)* was filed with the Court's CM/ECF electronic filing system, this 15<sup>th</sup> day of December, 2023.

/s/ Clayton J. Fitzsimmons

Robert P. Fitzsimmons (*Admitted Pro Hac Vice*)

Clayton J. Fitzsimmons (*Admitted Pro Hac Vice*)

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